IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NOS.1748 OF 2007 & 3464 OF 2005
IN
F.A.NO.97 OF 2006

Smt. Malan Todkar and ors. ..Applicants.
Vs.
The New India Assurance Co. Ltd.
..Respondent.

Mr.S.S.Tambekar for the Applicants.
Mr.S.M.Vidyarthi for the Respondent No.3.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 28th March, 2007

P.C.

1. Heard both sides.

2. These are applications for withdrawal of the amount deposited by the Insurance Company by the claimants and the application for stay of the impugned order made by the Insurance Company. This is compensation on account of death of the original claimant and the claimants are the heirs of the deceased. They have received no fault liability amount. We are inclined to release 50% of the amount without bank guarantee and 50% with bank guarantee. Therefore, we pass the following order.

2. The Trial Court is hereby directed to release 50% amount of the compensation deposited by the Insurance Company to the applicants/original claimants and

remaining 50% amount be deposited in the Nationalised Bank, initially for a period of three years and if the appeal is not dispose of within the aforesaid period, it shall be deposited on year to year basis till the disposal of the appeal. Application for withdrawal of the amount as well as application for stay of the impugned order are disposed of accordingly.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**